

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Cheryl Lucille Gaffner,

Plaintiff,

vs.

Stratton Restoration LLC.

Defendants

No. CV 15-02166-PHX-JAT

**STANDARD CIVIL TRACK INITIAL
ORDER**

Pursuant to the mandate of the Differentiated Case Management system set forth in Rule 16.2 of the Rules of Practice of the United States District Court for the District of Arizona [hereinafter the “Local Rules”], this action, commenced on October 28, 2015, is designated a **STANDARD TRACK** case. Accordingly,

IT IS ORDERED, if not already accomplished prior to the date of this Order, that Plaintiff(s) shall effect service of the Complaint and Summons upon all Defendants **no later than 120 days** after the filing of the Complaint. This shall serve as notice to the Plaintiff under Rule 4(m) of the Federal Rules of Civil Procedure that the Court shall dismiss this action without further notice to the Plaintiff with respect to any Defendant named in the Complaint that is not served in accordance with Rule 4 of the Federal Rules of Civil Procedure within that 120-day period.

1 **IT IS FURTHER ORDERED** that, once service is accomplished upon the
2 Defendant(s) in accordance with Rule 4, counsel for the Plaintiff(s) (or pro se Plaintiff) shall
3 notify the Court in writing when the parties are prepared for a Preliminary Pretrial
4 Conference in accordance with Rule 16(b) of the Federal Rules of Civil Procedure. The
5 Court expects notification as soon as possible and practicable.

6 **IT IS FURTHER ORDERED** that, upon receipt of notice that the parties are
7 prepared for a Rule 16 Preliminary Pretrial Conference, the Court will issue a separate Order
8 which sets the time and date for the Preliminary Pretrial Conference. Because this Court
9 requires a filing that is broader and more detailed than that proposed in a “Form 35 Report
10 of Parties’ Planning Meeting,” the Order setting the Rule 16 Preliminary Pretrial Conference
11 will also instruct the parties regarding the specific contents the Court expects in their
12 Proposed Case Management Plan.

13 **IT IS FURTHER ORDERED** that full compliance with Rule 26(f) is expected prior
14 to the date of the Rule 16 Pretrial Conference.

15 **IT IS FURTHER ORDERED** that to satisfy the requirements of Federal Rule of
16 Civil Procedure 26(a) the parties shall file with the Clerk of the Court a Notice of Initial
17 Disclosure; copies of the actual disclosures shall therefore not be filed.

18 **IT IS FURTHER ORDERED** that full compliance with Federal Rule of Civil
19 Procedure 7.1 (filing of a Corporate Disclosure Statement) is required by plaintiff(s) and
20 defendant(s), if applicable. A Corporate Disclosure Statement form is available under
21 Operations and Filings, Forms on the district court website at www.azd.uscourts.gov.

22 **IT IS FURTHER ORDERED** that, absent Court approval, no party may seek
23 discovery from any source before the parties have met and conferred as required by Rule
24 26(f). Fed. R. Civ. P. 26(d).

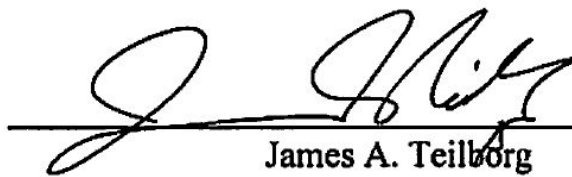
25 **THE PARTIES ARE CAUTIONED** that it is the practice of this Court to not
26 extend the Dispositive Motion Deadline beyond the two-year anniversary of the case
27 being filed in or removed to Federal Court, nor to allow the Discovery Cut-Off to
28 extend beyond 30 days before the Dispositive Motion Deadline. Accordingly, delays in

1 effectuating service of process, delays in seeking a Rule 16 Scheduling Conference, the filing
2 of or pendency of motions, settlement discussions or mediation, etc., will not be considered
3 as justification to exceed the above-referenced two-year deadline. (Because of these
4 deadlines, the parties may jointly request this Court hold a Rule 16 Scheduling Conference
5 while a motion to dismiss is pending.) Furthermore, it is the practice of this Court to wait
6 until the Final Pretrial Conference to set the trial date. For this reason the Court will set
7 deadlines at the Rule 16 Scheduling Conference for filing motions to amend the pleadings.
8 The parties are admonished that "there is no trial date set" will not be an excuse for late
9 motions to amend the pleadings, failing to complete discovery, or other requests for
10 extensions of deadlines.

11 **THE PARTIES ARE FURTHER CAUTIONED** that, pursuant to Local Rule of
12 Civil Procedure 7.2(i), their failure to serve and file the required responsive memorandum
13 to a motion **"may be deemed a consent to the . . . granting of the motion and the Court**
14 **may dispose of the motion summarily."**

15 **IT IS FURTHER ORDERED** that Plaintiff shall serve Defendant(s) with a copy of
16 this Order.

17 DATED this 28th day of October, 2015.

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22 **James A. Teilborg**
23 **Senior United States District Judge**
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